

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

JAMES SEABA and CORY PHILLIPS,

Plaintiffs,

v.

MESOSYSTEMS TECHNOLOGY, INC.,

Defendant.

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NO. 02-CV-103-LH/RHS

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Defendant MesoSystems Technology, Inc. ("MesoSystems"), pursuant to Fed. R. Civ. P.

56, hereby submits its Motion for Summary Judgment and states:

1. There is no material fact in dispute as to the legal claims.
2. MesoSystems is entitled to judgment as a matter of law against Plaintiffs in all claims in the complaint.
3. MesoSystems incorporates by reference its Memorandum Brief in Support of Motion for Summary Judgment being filed concurrently herewith.

WHEREFORE, Defendant MesoSystems moves this Court for its order granting summary judgment against Plaintiffs.

DATED: 05/16/03.

Respectfully Submitted:

**BAUMAN, DOW, McINTOSH & LEÓN, P.C.**

By \_\_\_\_\_

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AND

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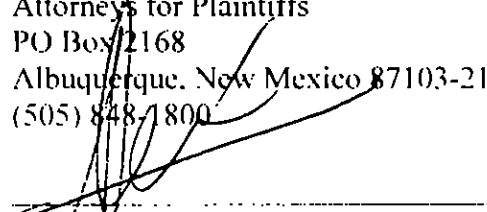
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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing Motion for Partial Summary Judgment ~~was~~ <sup>was hand</sup>  
~~mailed via U.S. Mail~~ to the following, on this 16th day of May, 2003.  
~~delivered~~

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